

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1436 - SB 1520

March 24, 2023

SUMMARY OF BILL: Increases, from a Class B felony to a Class A felony, the penalty for the criminal offense of bribery. Requires the Tennessee Bureau of Investigation (TBI) to investigate allegations of bribery when two or more reports from public servants of bribery or attempted bribery have been received. Requires the TBI to submit a report to the Speaker of the Senate and the Speaker of the House of Representatives within 180 days.

FISCAL IMPACT:

Increase State Expenditures – \$12,200 Incarceration

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-16-102(a)(1)-(2), a person commits the offense of bribery of a public servant who:
 - Offers, confers, or agrees to confer any pecuniary benefit upon a public servant with the intent to influence the public servant's vote, opinion, judgment, exercise of discretion or other action in the public servant's official capacity; or
 - While a public servant, solicits, accepts or agrees to accept any pecuniary benefit upon an agreement or understanding that the public servant's vote, opinion, judgment, exercise of discretion or other action as a public servant will thereby be influenced.
- Pursuant to § 39-16-102(c)(1)-(2), bribery of a public servant and a public servant accepting or agreeing to accept a bribe are each a Class B felony offense.
- The proposed legislation enhances the penalty to a Class A felony offense.
- Based upon information provided by the Department of Correction (DOC), there has been an average of 1.3 admission per year over the last 10 years for the Class B felony offense for bribery of a public servant.
- After adjusting for pre-trial jail credits, the average time served for a Class A felony offense is 12.76 years, and the average time served for a Class B felony offense under 39-16-102(a)(1)-(2) is 2.11 years.
- Accounting for recidivism rates, the proposed legislation will result in 0.74 admissions annually serving an additional 10.65 (12.76 – 2.11) years.
- The weighted average operational costs per inmate per day are estimated to be \$50.63 for inmates housed at state facilities and \$52.11 for inmates housed at local facilities.
- The estimated increase in incarceration costs is estimated to be the following over the next three-year period:

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Increase in State Expenditures	
Amount	Fiscal Year
\$ (100)	FY23-24
\$ (300)	FY24-25
\$ 12,200	FY25-26

- Pursuant to Public Chapter 1007 of 2022, recurring costs increases are to be estimated on the highest of the next three fiscal years; therefore, the recurring increase in incarceration costs will be \$12,200.
- The TBI can investigate allegations of bribery in outlined circumstances and submit the required report utilizing existing resources and personnel; therefore, any impact is estimated to be not significant.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly change state or local revenue.
- The estimated fiscal impact of the proposed legislation does not consider the availability of beds in state and local facilities, but is based solely on the current operating costs of state facilities and the reimbursement rates for local facilities as is required by Tenn. Code Ann. § 9-4-210.
- All calculations used in completion of this fiscal note are available upon request.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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